



Attorney Docket No. 37167-8043.US00 (13724-853)

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8/2/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: MORRIS *et al.*

APPLICATION NO.: 09/938,276

FILED: AUGUST 22, 2001

FOR: TISSUE SURFACE TREATMENT APPARATUS AND METHOD

EXAMINER: KEARNEY, R.

ART UNIT: 3739

CONFIRMATION NO. 1933

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Sir:

Applicant(s) hereby submit the following documents for the above-entitled application.

Transmitted herewith are the following:

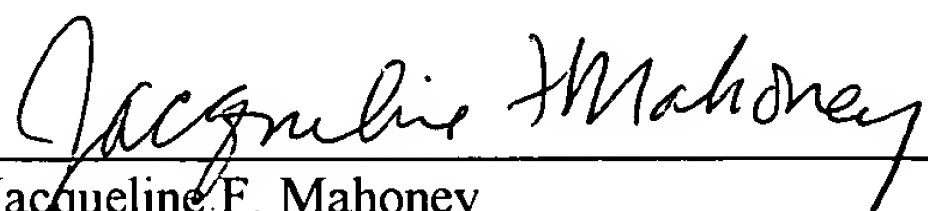
1. Information Disclosure Statement
2. Form PTO-1449
3. Postcard receipt.
4. Check in the amount of \$180.00 for fee due.

Applicant(s) believe that no fee is due, however, please charge any underpayment in fees for timely filing of this transmittal and enclosures to Deposit Account No. 50-2207.

Respectfully submitted,
Perkins Coie LLP

Date:

July 12, 2004


Jacqueline F. Mahoney
Reg. No. 48,390

Correspondence Address:

Customer No. 22918

Phone: (650) 838-4410



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Morris et al.

SERIAL NO.: 09/938,276

FILED: August 22, 2001

FOR: TISSUE SURFACE TREATMENT APPARATUS AND
METHOD

EXAMINER: Kearney, R.

ART UNIT: 3739

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**Information Disclosure Statement After First Office Action but Before
Final Action or Notice of Allowance—37 CFR 1.97(c)**

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Timing of Submission

This information disclosure is being filed **after** three months of the filing date of this application or **after** the mailing date of the first office action on the merits, whichever occurred last, but **before** the mailing date of either a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, whichever occurs first. The references listed on the enclosed Form PTO-1449 may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. Cited Information

☐ Copies of the following references are enclosed:

- ☐ References marked with a double asterisk (**).
- ☐ References marked by asterisks
- ☐ All Cited References

☒ Copies of the following references can be found in parent U.S. Application No. 09/797,409:

- ☒ All cited references
- ☐ References marked with a single asterisk (*).
- ☐ The following:

3. Effect of Information Disclosure Statement (37 CFR 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information

constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment

☒ Applicant elects to pay the fee under 37 CFR 1.17(p) in the amount of \$180.00.

☒ Enclosed is a check including the amount of \$180.00 for the fee due.

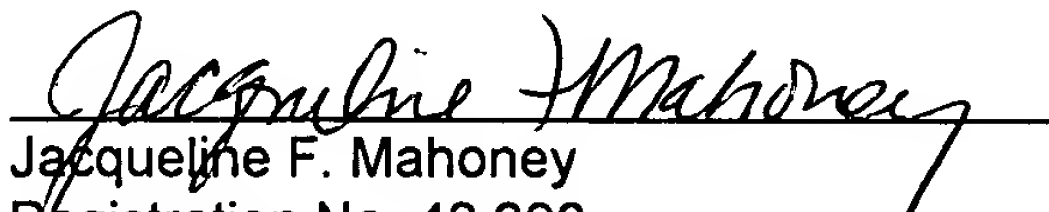
☒ The Commissioner is hereby authorized to charge any deficiency in fees to ensure timely submission of these papers to Deposit Account No. 50-2207.

5. Patent Term Adjustment (37 CFR 1.704(d))

☐ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Respectfully submitted,
Perkins Coie LLP

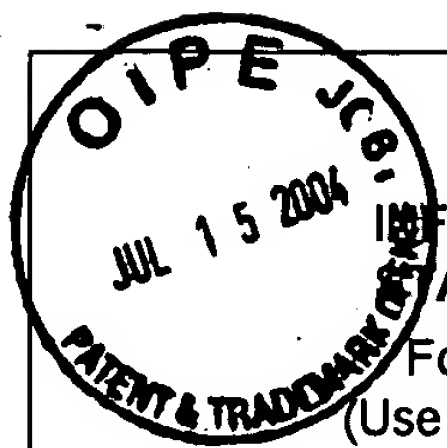
Date: July 12, 2004


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INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

Form PTO-1449 (Modified)
(Use several sheets if necessary)

COMPLETE IF KNOWN

Application Number	09/938,276
Filed	August 22, 2001
First Named Inventor	Morris
Group Art Unit	3739
Examiner Name	Kearney, R.
Atty Dkt No.	37167-8043.US00

Sheet 1 of 1			
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U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Figures Appear
		NUMBER	Kind Code (if known)			
		5,490,850		Ellman et al.	02/13/96	
		5,697,281		Eggers et al.	12/16/97	
		5,697,909		Eggers et al.	12/16/97	
		5,888,198		Eggers et al.	03/30/99	
		6,077,257		Edwards et al.	06/20/00	
		6,277,116		Utely et al.	08/21/01	
		6,413,255		Stern	07/02/02	
		6,595,934	B1	Hissong et al.	07/22/03	
		US2002/133149	A1	Bessette	09/19/02	
		US2002/0120261	A1	Morris et al.	08/29/02	
		US2003/0216726	A1	Eggers et al.	11/20/03	

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	T

FOREIGN PATENT DOCUMENTS

Examiner Initial	Cite No.	Foreign Patent or Application			Name of Patentee or Applicant of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Figures Appear	T
		Office	NUMBER	Kind Code (if known)				

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).